

**WILLMAR PLANNING COMMISSION  
CITY OF WILLMAR, MN  
WEDNESDAY, JANUARY 2, 2019**

**MINUTES**

1. The Willmar Planning Commission met on Wednesday, January 2, 2019, at 7:00 p.m. at the Willmar City Offices Conference Room #1.

**\*\* Members Present:** Steve Gardner, Rolf Standfuss, Jeff Kimpling, Terry Sieck, Cletus Frank, Jonathan Marchand, Dr. Jerry Kjergaard, and Christina Nelson.

**\*\* Members Absent:** Terry VanVeldhuizen.

**\*\* Others Present:** Samuel Herzog – JH, LLC, Bruce & Lois Nelson – Willmar, MN, Aaron Backman - EDC Executive Director, Bruce Peterson - Director of Planning and Development Services, Sarah Swedburg - Planner.

2. WELCOME: The commission welcomed Christina Nelson, the new Planning Commission member.
3. MINUTES: Minutes of the December 5, 2018 meeting were approved as presented.
4. UNIQUE OPPORTUNITIES PUD CONDITIONAL USE PERMIT – FILE NO. 18-05:  
The public hearing opened at 7:02 p.m. Staff presented a conditional use permit request on behalf of JH, LLC of Fergus Falls for 4, 3-story 72-unit multi-family residential complexes on property described as: The North 764.71 feet of the South 1234.71 feet of the East 929.20 feet of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 8, Township 119, Range 35, Kandiyohi County Minnesota. EXCEPT the East 75.00 feet of the North 300.00 feet of the South 770.00 feet of said SE 1/4 of the NE 1/4. Subject to easements of record.

Samuel Herzog, developer, told the Commission that the location of the project was determined to have the least effect on residential areas, while still providing several amenities. Aaron Backman, Director of the EDC, informed the Commission that Mr. Herzog has developed several other quality complexes throughout Greater Minnesota. Bruce Peterson, Director of Planning and Development, reminded everyone that the City has not seen a residential development of this size for many years. A TIF hearing for the project will be held at the next City Council meeting on Monday, January 7, 2019.

No one else appeared to speak for or against the request and the public hearing closed at 7:12 p.m.

Staff comments were reviewed and discussed (see Attachment A). The Planning Commission discussed public infrastructure improvements that will be needed to

accommodate this development, such as the extension of the Western Interceptor Sanitary Sewer and extension of the center turn lane on CSAH 5.

Mr. Herzog described the intended phasing of the parking lot construction; both ingress/egress are to be constructed during phase 1 for traffic flow. The proposed 30' entrance drive widths are within City standards.

The Planning Commission expressed concern about garbage containment for such a large residential complex. Mr. Herzog described high-quality garbage screening at other developments that will also be used on this site. He also mentioned that garbage pick-up will be as frequently as needed – often 4 or 5 days a week for a project this size.

The Planning Commission reviewed and made affirmative findings of fact as per Zoning Ordinance Section 9.E.3.a.1-7.

Mr. Standfuss made a motion, seconded by Mr. Sieck, to approve the conditional use permit PUD for this multi-family residential development with the following conditions:

- A. The Unique Opportunities Preliminary & Final Plat shall be approved by Planning Commission and City Council.
- B. Exterior property line setbacks abutting neighboring properties shall not alter from Zoning Ordinance Standards or a Variance shall be required.
- C. The Stormwater Ordinance shall be complied with and plans shall be approved by the Engineering Department.
- D. All road improvements shall be coordinated with the City of Willmar and Kandiyohi County and be financial responsibility of the developer.
- E. Parking lot layout shall adequately accommodate emergency service vehicles.
- F. The use shall meet all applicable local, state, and federal rules and regulations at all times.

The motion carried.

5. UNIQUE OPPORTUNITIES PRELIMINARY PLAT – FILE NO. 18-04: The public opened at 7:26 p.m. Staff presented the preliminary plat on behalf of JH, LLC of Fergus Falls for the subdivision of property described as follows: The North 764.71 feet of the South 1234.71 feet of the East 929.20 feet of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 8, Township 119, Range 35, Kandiyohi County Minnesota. EXCEPT the East 75.00 feet of the North 300.00 feet of the South 770.00 feet of said SE 1/4 of the NE 1/4. Subject to easements of record. This plat accompanies the previously seen PUD agenda item, and intended for multi-family residential development. It subdivides the currently unplatted parcels into 9. The northern parcel was recently annexed into the City.

No one else appeared to speak for or against the request and the public hearing closed at 7:28 p.m.

The Planning Commission reviewed and discussed staff comments (see Attachment A). Storm Water accommodations were specifically discussed. Water will discharge from the

proposed detention pond at a rate no faster than the current rate pre-development. All storm water designs are subject to approval by the Engineering department.

The Planning Commission reviewed and made affirmative findings of fact as per Subdivision Ordinance Section 14-102.(e).1-7.

Dr. Kjergaard made a motion, seconded by Mr. Marchand to approve the preliminary plat with the following conditions:

- A. PUD Conditional Use Permit shall be approved by Planning Commission.
- B. Declarations/covenants for the internal access (Outlot A) to land locked parcels shall be submitted to Staff and recorded concurrently with plat for ease of tractability.
- C. A 10' utility easement shall be added along the Northern, Eastern, Southern, and Western most property lines.
- D. All Kandiyohi County Engineering, Fire Chief/Marshall, Engineering/Public Works, and MUC comments shall be met, adhered to, and additional information supplied as requested.

The motion carried.

6. 2<sup>ND</sup> AVENUE SE STREET VACATION – FILE NO. 18-01: Staff presented a request on behalf of Marcus Real Estate and Investments LLC and BPO Elks Lodge #952 to vacate a portion of 2<sup>nd</sup> Ave SE, West of 20<sup>th</sup> St SE (see Attachment A for full legal). The petitioners are the sole property owners of the surrounding land and have future subdivision and development plans. No utilities exist in this portion of right-of-way.

The Planning Commission reviewed and discussed staff comments (see Attachment A).

Mr. Kimpling made a motion, seconded by Mr. Standfuss, to approve the street vacation resolution and forward it to City Council for introduction and public hearing.

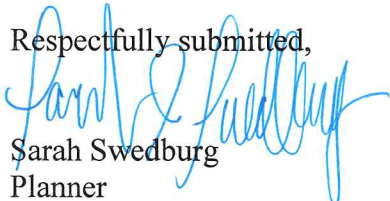
The motion carried.

7. REORGANIZATION: Mr. Kjergaard made a motion, seconded by Mr. Standfuss, to nominate Mr. Gardner for Chair, Mr. Standfuss for Vice Chair, and Mr. Kimpling for Secretary.

The motion carried.

8. There being no further business to come before the Commission the meeting adjourned at 7:46 p.m.

Respectfully submitted,

  
Sarah Swedburg  
Planner

**PLANNING COMMISSION – JANUARY 2, 2019**

***STAFF COMMENTS***

**1. UNIQUE OPPORTUNITIES PUD CONDITIONAL USE PERMIT – FILE NO 18-05:**

- The applicant is JH, LLC of Fergus Falls, MN.
- The applicant is requesting a conditional use permit for a Planned Unit Development that would consist of 4, 3-story 72-unit multi-family residential complexes on property described as: The North 764.71 feet of the South 1234.71 feet of the East 929.20 feet of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 8, Township 119, Range 35, Kandiyohi County Minnesota. EXCEPT the East 75.00 feet of the North 300.00 feet of the South 770.00 feet of said SE 1/4 of the NE 1/4. Subject to easements of record.
- The property is zoned R-5 (High Density Multi-Family Residential).
- The northern portion of this property was annexed into the City by an Orderly Annexation Joint Agreement between the City of Willmar and Willmar Township at the end of 2018, and it has been approved by the State of Minnesota.
- The land shall be platted.
- The property is 15.00 acres (not including right-of-way), and the building footprints will average about 23,000 sq ft each.
- All lots meet the minimum density and lot size under PUD Standards.
- 20' setbacks are requested along all PUD interior side and rear lot lines.
- All exterior property line setbacks abutting neighbor properties shall not alter from Zoning Ordinance Standards (North & South: 20' side yard setbacks; East: 30' front (right-of-way) setback; West: 40' rear yard setback). Submitted drawings well exceed these exterior property line setbacks.
- 579 parking spaces provided (576 spaces required at 2 spaces per unit).
- A Stormwater Detention Pond is indicated on the West end of the property.
- City water and sewer mains are available to the property. The City will charge a tapping fee for new connections.
- Most parcels front County Road 5 and 2 accesses are proposed via this same road. An Outlot is proposed for access to the Western landlocked parcels.
- The County will require road improvements (turn lane extension) to accommodate increased traffic at the developer's expense.
- The development will be built with high quality materials and the style will fit in with the area's residential neighborhoods.
- The development includes green space on the property and dedicated park space (?). Park Dedication fees will be required when platting the property. The property also borders a current City Park to the Southwest.
- The development contributes to workforce housing in Willmar (80% market-rate, no income restrictions), and is close to the College and transportation corridors.

**RECOMMENDATION: Approve the conditional use permit with the following conditions:**

- A. The Unique Opportunities Preliminary & Final Plat shall be approved by Planning Commission and City Council.
- B. Exterior property line setbacks abutting neighboring properties shall not alter from Zoning Ordinance Standards or a Variance shall be required.
- C. The Stormwater Ordinance shall be complied with and plans shall be approved by the Engineering Department.

- D. All road improvements shall be coordinated with the City of Willmar and Kandiyohi County and be financial responsibility of the developer.
- E. Parking lot layout shall adequately accommodate emergency service vehicles.
- F. The use shall meet all applicable local, state, and federal rules and regulations at all times.

**2. UNIQUE OPPORTUNITIES PRELIMINARY PLAT – FILE NO 18-04:**

- The applicant is JH, LLC of Fergus Falls, MN.
- The applicant is requesting a subdivision of land to allow a multi-family residential development (4, 3-story, 72-unit complexes) on property described as: The North 764.71 feet of the South 1234.71 feet of the East 929.20 feet of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 8, Township 119, Range 35, Kandiyohi County Minnesota. EXCEPT the East 75.00 feet of the North 300.00 feet of the South 770.00 feet of said SE 1/4 of the NE 1/4. Subject to easements of record.
- Most parcels front County Road 5 and 2 accesses are proposed via this same road.
- Outlot A is proposed for access to the Western landlocked parcels.
- The parcels are zoned R-5.
- The northern portion of this property was annexed into the City by an Orderly Annexation Joint Agreement between the City of Willmar and Willmar Township at the end of 2018, and it has been approved by the State of Minnesota.
- 20' setbacks are requested along all PUD interior side and rear lot lines.
- All exterior property line setbacks abutting neighbor properties shall not alter from Zoning Ordinance Standards (North & South: 20' side yard setbacks; East: 30' front (right-of-way) setback; West: 40' rear yard setback). Submitted drawings well exceed these exterior property line setbacks.
- A Conditional Use Permit for a Planned Unit Development has been submitted by the same applicant and the previous item was a review of the application.
- All lots meet the minimum density and lot size under PUD Standards.

**Kandiyohi County Engineering Comments:**

1. Approach permit is required.
2. This section of CSAH 5 will be required to be converted to a 3 lane section by adding a lane along with appropriate turn lanes for safety.
3. ROW is adequate and therefore no additional ROW width required to be dedicated.
4. Sanitary Sewer, Water main, hydrants etc. will require the appropriate permits from Kandiyohi County.
5. Developer Agreement with Kandiyohi County required or add our requirements to the City of Willmar's Agreement.

**Fire Chief/Marshall Comments:** I have reviewed the Unique Opportunities LLC Plat. There are a few items to be addressed:

1. The number of fire hydrants will be determined based on final building plans. It appears that there are four hydrants located on the corners of the driveway.
2. The turning radius of the driveway around the buildings and garage area must meet the turning radius of our largest fire apparatus.

**Engineering/Public Works Comments:** All internal street and utility infrastructure will be considered private systems. The C.S.A.H. No. 5 sanitary sewer line is at capacity. An extension of the City's 18" Western Interceptor Sanitary Sewer should be constructed from the intersection of 33<sup>rd</sup> Street NW and 7<sup>th</sup>

Avenue NW to the north property line of proposed plat. Cost share with the City will need to be addressed as far as oversizing and engineering.

**MUC Comments:** Availability from water & electric will be ok. 10" water main is on the West side of County Road 5 and electric 3 phase is also in designated (maps included). A 10 foot utility easement along the exterior property lines is requested for electric infrastructure.

**RECOMMENDATION:** Approve the preliminary plat with the following conditions:

- A. PUD Conditional Use Permit shall be approved by Planning Commission.
- B. Declarations/covenants for the internal access (Outlot A) to land locked parcels shall be submitted to Staff and recorded concurrently with plat for ease of tractability.
- C. A 10' utility easement shall be added along the Northern, Eastern, Southern, and Western most property lines.
- D. All Kandiyohi County Engineering, Fire Chief/Marshall, Engineering/Public Works, and MUC comments shall be met, adhered to, and additional information supplied as requested.

3. 2<sup>nd</sup> AVE SE STREET VACATION – FILE NO 18-01:

- Marcus Real Estate and Investments LLC and BPO Elks Lodge #952 have petitioned for vacation of a portion of 2<sup>nd</sup> Ave SE, West of 20<sup>th</sup> St SE described as follows: a portion of 2nd Ave SE lying Westerly of the Northerly extension of the East line of Block 14, Erickson's Second Addition to the City of Willmar, Minnesota and lying Easterly of the Southerly extension of the East line of Block 4 in said Erickson's Second Addition to the City of Willmar, Minnesota.
- Marcus Real Estate and Investments, LLC owns the property to the North, East, and majority of the land to the South. BPO Elks Lodge #952 owns the property to the Southwest.
- Historically, this was an entrance to Elm Lane.

**MUC Comments:** There are no WMU water or electric facilities in the marked area.

**Engineering/Public Works Comments:** No issues.

**Private Utility Comments**

**Charter Comments:** Charter Communications has no active facilities in the area of the vacation.

**CenturyLink Comments:** The area that is shown in this vacation petition is clear of any CenturyLink facilities. CenturyLink has no objection to the vacation of the portion of land shown as 2<sup>nd</sup> Ave SE.

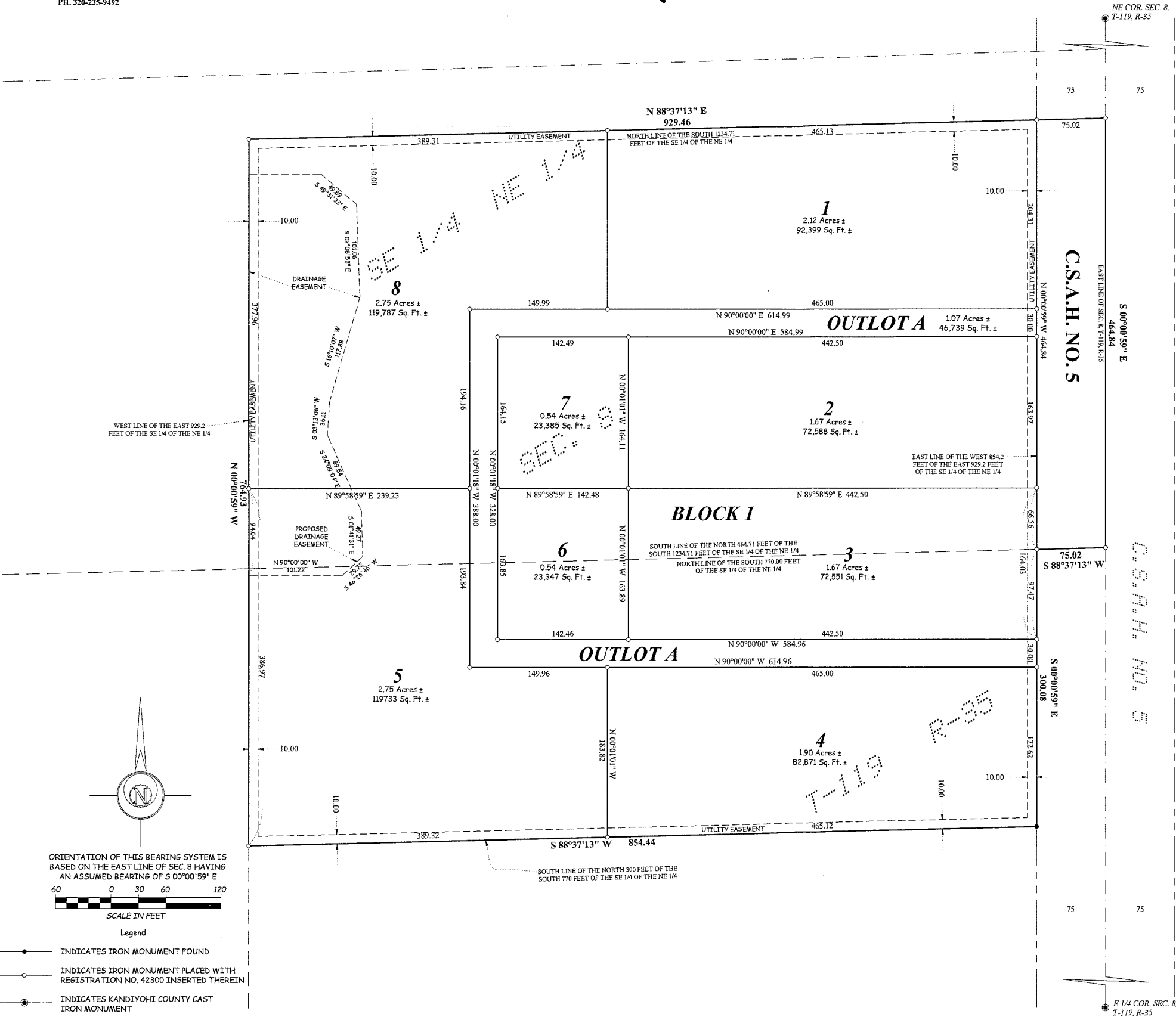
**CenterPoint Energy Comments:** CenterPoint Energy has no objection or issues related to vacating 2<sup>nd</sup> Avenue SE in Willmar, MN.

**Windstream Comments:** We are clear (of any utilities in this portion of 2<sup>nd</sup> Ave SE).

**RECOMMENDATION:** Approve the resolution for street vacation for 2<sup>nd</sup> Ave SE as described above.

O'MALLEY & KRON LAND SURVEYORS, INC.  
1004 2ND ST. SE  
WILLMAR, MN 56201  
PH. 320-235-9492

# UNIQUE OPPORTUNITIES



KNOW ALL MEN BY THESE PRESENT: that Dennis S. Thorpe a single person and James D. Thorpe a single person, fee owner, of the following described property:  
The North 764.71 feet of the South 1234.71 feet of the East 929.20 feet of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 8, Township 119, Range 35, Kandiyohi County, Minnesota.  
EXCEPT  
The East 75.00 feet of the North 300.00 feet of the South 770.00 feet of said SE 1/4 of the NE 1/4.

Have caused the same to be surveyed and platted as UNIQUE OPPORTUNITIES and do hereby dedicate to the public for public use the public way and the drainage easement and utility easement as created by this plat.

In witness whereof said Dennis S. Thorpe, a single person, has hereunto set his hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Dennis S. Thorpe  
STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS  
This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Dennis S. Thorpe, a single person.

(Notary Signature) (Notary Printed Name)

Notary Public Kandiyohi County, State of Minnesota  
My Commission Expires: \_\_\_\_\_

In witness whereof said James D. Thorpe, a single person, has hereunto set his hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

James D. Thorpe  
STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS  
This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by James D. Thorpe, a single person.

(Notary Signature) (Notary Printed Name)

Notary Public Kandiyohi County, State of Minnesota  
My Commission Expires: \_\_\_\_\_

I, Benjamin C. O'Malley, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01 Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Benjamin C. O'Malley, Licensed Land Surveyor  
Minnesota Registration No. 42300

STATE OF MINNESOTA )  
COUNTY OF \_\_\_\_\_ ) SS  
This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Benjamin C. O'Malley.

(Notary Signature) (Notary Printed Name)

Notary Public Kandiyohi County, State of Minnesota  
My Commission Expires: \_\_\_\_\_

I, hereby certify that the proper evidence of title has been presented to me and that all parties with an interest in said property have been included in the execution of the above instrument. Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTORNEY

Approved by the Planning Commission of the City of Willmar, Kandiyohi County, Minnesota, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CHAIRMAN CLERK

Approved by the City Council of the City of Willmar, Kandiyohi County, Minnesota, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

MAYOR CLERK

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ENGINEER, CITY OF WILLMAR

I, hereby certify that all taxes are paid for the year \_\_\_\_ for the land herein described.

KANDIYOHI COUNTY TREASURER

No delinquent taxes and transfer entered this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

KANDIYOHI COUNTY AUDITOR

I, hereby certify that the within instrument was filed in this office for record on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_\_\_ M. and was duly recorded as Folder No. \_\_\_\_\_; and as Document No. \_\_\_\_\_.

KANDIYOHI COUNTY RECORDER

**PLANNING COMMISSION – JANUARY 16, 2019**

***STAFF COMMENTS***

**1. UNIQUE OPPORTUNITIES FINAL PLAT – FILE NO 18-04:**

- The applicant is JH, LLC of Fergus Falls, MN.
- The applicant is requesting a subdivision of land to allow a multi-family residential development (4, 3-story, 72-unit complexes) on property described as: The North 764.71 feet of the South 1234.71 feet of the East 929.20 feet of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 8, Township 119, Range 35, Kandiyohi County Minnesota. EXCEPT the East 75.00 feet of the North 300.00 feet of the South 770.00 feet of said SE 1/4 of the NE 1/4. Subject to easements of record.
- Most parcels front County Road 5 and 2 accesses are proposed via this same road.
- Outlot A is proposed for access to the Western landlocked parcels.
- The parcels are zoned R-5.
- The northern portion of this property was annexed into the City by an Orderly Annexation Joint Agreement between the City of Willmar and Willmar Township at the end of 2018, and it has been approved by the State of Minnesota.
- A PUD Conditional Use Permit was approved for the property on January 2, 2019 by Planning Commission.
- The 10' utility easements have been added to the plat as requested by Willmar Municipal Utilities.
- Coordination of road and sanitary sewer improvements with Kandiyohi County and the City of Willmar are underway.

**RECOMMENDATION: Approve the final plat with the following conditions:**

- A. Declarations/covenants for the internal access (Outlot A) to land locked parcels shall be submitted to Staff and recorded concurrently with plat for ease of tractability.
- B. A park dedication fee of \$5,158.73 shall be paid to the City of Willmar prior to issuance of Building Permits.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING NO. 1060  
KNOWN AS THE WILLMAR ZONING ORDINANCE  
BY AMENDING SECTION 6.Q RELATING TO  
THE TECHNOLOGY DISTRICT

The City Council of City of Willmar does ordain as follows:

SECTION 6. Ordinance 1060 is hereby amended by adding a new SECTION 6.Q.4. so as to read as follows:

4. *Permitted Uses. Only the following uses shall be permitted outright:*

a. *Offices, business and professional.*

SECTION 6. Ordinance 1060 is hereby amended by removing SECTION 6.Q.1.o. so as to read as follows:

~~o. Offices, business and professional.~~

EFFECTIVE DATE. This Ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Council Member: \_\_\_\_\_

This Ordinance introduced on: \_\_\_\_\_

This Ordinance published on: \_\_\_\_\_

This Ordinance given a hearing on: \_\_\_\_\_

This Ordinance adopted on: \_\_\_\_\_

This Ordinance published on: \_\_\_\_\_

# Rezone R-2 to I-2 Location



January 4, 2019

1:2,257

